

AUG 17 2006

II. REMARKS/ARGUMENTS

These Remarks are in reply to the Office Action mailed March 21, 2006. Claims 1-4 and 10-15 are pending in the Application. The Office Action rejected each of these claims. No fee is due for the addition on any new claims.

Rejection for Indefiniteness Pursuant to Section 112 ¶ 2

The examiner rejected all pending claims under section 112 ¶2 as being indefinite for failing to particularly point out and distinctly claim the invention. In particular, the examiner notes that independent claims 1 and 15 recite "invoked by a user for dynamic interactive use with a second user of the stored conversation elements," and suggests that "It is not clear if it means 'invoked by a user of the stored conversation elements for dynamic interactive use with a second user'" or instead, "'invoked by a user for dynamic interactive use with, a second user of the stored conversation elements.'" Office Action at 2. The examiner's understanding is the former suggested interpretation.

Applicant agrees with the examiner and has amended the claims to reflect the examiner's understanding.

Regarding claim 15, the examiner suggests that there is insufficient antecedent basis for "the processing device" limitation. Applicant has amended claim 15 so that the antecedent basis issue is eliminated.

Rejection for Anticipation Pursuant to Section 102(b): Wolff

The Office Action rejected claims 1, 3, 12, and 14 under 35 U.S.C. § 102(b) as being anticipated by Wolff (U.S. Patent No. 5,327,486; "Wolff"). Applicant respectfully disagrees.

First, Wolff does not teach or disclose element (e) of claim 1. According to the examiner, Wolff discloses "a switchable audio input adapted to allow a user to voice directly into the second electronic device when appropriate," as claimed in claim 1 of the present application. Office Action at 4 (citing Wolff, Fig. 4, "route to call me"; Col. 5:29-37). Applicant disagrees.

The disclosure of Wolff is explicit that the end user has five options, none of which include "allow[ing] a user to voice directly into the second electronic device when appropriate." See Wolff, Col. 4:54 to Col. 5:6. The options disclosed in Wolff include "convert[ing] the reply message from text to speech . . . so the caller can hear it," Col. 5:1-6, but the end user does not "voice directly into

the second electronic device . . .". In fact, as Wolff discloses, "As described above, only the telephone number and the name of the calling party is sent to the palm-top computer." Col. 7:48-49. The end user never voices directly into the palm-top computer (which the examiner suggests is the "second electronic device" of claim 1; he/she must await a call on his/her telephone. Element (e) is neither disclosed or taught by Wolff. Support for element (e) is found in the specification of the present application at, for example, page 12: "Ed detaches his telephone from the Quiet Call system by simply unplugging it, and quietly steps out of the meeting to talk on his mobile telephone as normal. A Quiet Call system allows Ed to switch conversation modes as needed while keeping the conversation flow going." See also page 14-15: "A switchable (switch 37) audio input 36 allows a user to voice directly into a telephone when appropriate."; page 17: "Direct audio connection (e.g., microphone) at the locatel of the user may be optionally invoked by a switching 37 (e.g., pushbutton or other physical switch, software switch (e.g., GUI widget), acoustic muffling (e.g., soundproof housing or other insulation), and direct electrical connection (e.g., plug)."

Accordingly, at least for this reason, independent claim 1 is not anticipated by Wolff. Reconsideration of the rejection respectfully is requested.

Next, the examiner suggests that Wolff discloses "dynamic interactive use with a second user." Office Action at 3 (citing Wolff, Fig. 1, item 22). Applicant disagrees. Nothing in Wolff teaches or discloses "dynamic interactive use." As noted above, Wolff discloses five options that an end user has for handling an incoming call. Wolff, Col. 4:54-Col. 5:6. The first is to instruct the personal telephone manager ("PTM") to route the call, to connect the caller to a telephone (as opposed to connecting the caller to the "second electronic device" as taught in claim 1 of the present application). The first option therefore is not interactive. The second option is to reject the call—also not interactive. The third option is to route the call to voice mail—not interactive. The fourth option is to route the call to a different person—not interactive. The fifth option is to send a single text message back to the caller with special instructions. This interaction is not dynamic interactive use, since there is no give and take in conversation. That is, the caller does nothing more than initiate a call. Whatever the response, the two parties have not interacted in a conversation and have not exchanged dialogue. No disclosure supports such capability of the invention in Wolff.

In contrast, "dynamic interactive use" in terms of the present applications signifies that the at least two parties can interact in an exchange of dialogue and carrying on a conversation. "Embodiments of the present invention transforms the user's silent input selections into equivalent

audible signals that may be directly transmitted to the other parties in the conversation . . . Quiet Call technology 14 allows for individual 17 to have an audible conversation with individual 16 in a quiet mode while not disturbing the interaction in quiet area 15.” Specification at 7. See also Specification at 13-14: “[O]ne or more parties in the *discussion* uses an alternative quiet mode of discussion . . . to produce the *audible content of the discussion* that is transformed into an equivalent electronic representation that may be silently transmitted to the other parties in *the conversation*. . . . The term Quiet Call technology is used here to signify the *communication mechanism*, including hardware and/or software, that *allows people to converse easily, expressively, and quietly while out in the world.*” (emphasis added).

As Wolff neither teaches nor discloses “dynamic interactive use” in the sense contemplated by the claims in the present application, Wolff does not anticipate claim 1. Accordingly, for at least this additional reason, Applicant respectfully requests reconsideration of the anticipation rejection based on Wolff.

Further, Wolff does not anticipate limitation (f) of claim 1 as amended: a telephone-to-user connector adapted to allow the user of the stored conversation elements to hear both the conversation generated by the system and at least the second user. Instead, Wolff discloses returning a message with a computer in which text-to-speech can be invoked, but does not disclose the user of the computer being able to listen to the text-to-speech with any device connected with the computer. At least for this additional reason, claim 1 is allowable over Wolff.

At least these remarks and limitations distinguish the present claims over the cited art. Accordingly, independent claim 1 and dependent claims 3, 12, and 14 now are allowable over Wolff. Applicant respectfully requests reconsideration of the rejection and a notice of allowance for all pending claims.

Rejection for Anticipation Pursuant to Section 102(b): Montgomery

The Office Action rejected claims 1 and 15 as anticipated under section 102(b) by Montgomery (UK Pat. Appln. GB 2 183 880 A; “Montgomery”). Office Action at 4-6. Applicant respectfully disagrees.

Claims 1 and 15 as amended both claim disclose and teach a telephone-to-user connector adapted to allow the user of the stored conversation elements to hear both the conversation generated by the system and at least the second user. Montgomery does not teach or disclose this limitation,

because the “user of the stored conversation elements” is deaf and has no need to hear the audible utterances generated. Support for this amendment can be found in the specification at, for example, page 4: “A telephone-to-user connector 30 allows the user to hear both the conversation generated by the system and other users. In an embodiment, a telephone-to-user connector is an earpiece.”

Because Montgomery does not teach each limitation of claims 1 and 15 as amended, these claims and their dependent claims are allowable over the cited art. Applicant respectfully requests reconsideration of the rejection.

Rejection for Obviousness Pursuant to Section 103: Wolff in further view of Swistock

The examiner rejected claims 2 and 4 as obvious over Wolff in further view of Swistock (U.S. Pat. No. 6,389,115 B1; “Swistock”). Office Action at 6. Applicant respectfully disagrees.

As established above, Wolff fails to teach or disclose each and every limitation in claim 1 as amended. In particular, without limitation and in summary of the discussion of above, Wolff fails to teach “allow[ing] a user to voice directly into the second electronic device when appropriate”; “dynamic interactive use”; and “a telephone-to-user connector adapted to allow the user of the stored conversation elements to hear both the conversation generated by the system and at least the second user.”

Swistock does not supply the elements that Wolff fails to teach or disclose, and thus the combination of Wolff with Swistock cannot satisfy a *prima facie* case of obviousness under section 103. Swistock discloses a system and method for notifying a user of voice mail messages at a cell phone cite. “After gathering the information provided by the voice mail system, the present invention forwards data over the internet to a cell server associated with cell phone sites. The cell phone server in turn provides for a message waiting indicator at the appropriate cell phone.” Swistock, Abstract. The disclosure of Swistock does not address “a telephone-to-user connector adapted to allow the user of the stored conversation elements to hear both the conversation generated by the system and at least the second user.” Nor does Swistock disclose “dynamic interactive use” or “allowing a user to voice directly into the second electronic device when appropriate.”

Accordingly, the cited art cannot support the section 103 rejection for obviousness. Applicant respectfully requests reconsideration of the rejection.

Rejection for Obviousness Pursuant to Section 103: Wolff in further view of Parikh

The examiner rejected dependent claims 10 and 11 as obvious over Wolff in further view of Parikh (U.S. Pat. No. 6,408,177 B1; "Parikh"). Office Action at 7. Applicant respectfully disagrees.

As indicated in Applicant's last Reply, Parikh teaches a call management system for inbound calls, with inbound call data sent to a receiving user via a data channel, rather than over a voice channel for purposes of conserving air time and network resources. Parikh at Col. 3, lines 30-35. As taught in Parikh, a call management system interacts with incoming calls, allowing the "subscriber to respond to the caller *without taking the call.*" Parikh at Col. 4, lines 23-25 (emphasis supplied). Parikh thus adds nothing to the teaching over Wolff, and does not teach the limitations set forth above in independent claims 1 and 15. Accordingly, because the cited art does not teach or suggest each element of independent claim 1 as amended, dependent claims 10 and 11 cannot be obvious over the cited art. Applicant respectfully requests reconsideration of the rejection of claims 10 and 11, and a Notice of Allowance.

Rejection for Obviousness Pursuant to Section 103: Wolff in further view of Dowens

The examiner rejected claim 13 as obvious over Wolff in further view Dowens (U.S. Pat. No. 6,389,114 B1; "Dowens"). Office Action at 8. Applicant respectfully disagrees.

As indicated in Applicant's previous Reply, Dowens teaches a telecommunication relay that relays communications between a first terminal used by a first party, and a second terminal used by a second party. According to Dowens, the first and second terminals must be different types, *i.e.*, they each must be a different one of a telephone station, text communication terminal such as a personal digital assistant ("PDA"), two-way pagers, or text telephones. That is not the case concerning the present claims.

Moreover, the disclosure of Dowens does not address "a telephone-to-user connector adapted to allow the user of the stored conversation elements to hear both the conversation generated by the system and and at least the second user." While Dowens discloses a human communications attendant who "transmits and receives information to/from the bus 214 via a terminal that includes a speaker and a microphone (or headset), for example," the human communications attendant is not a *user* in the sense of claims 1 and 15; rather, he/she is a "conversion unit". See Dowens at Col. 4:5-11. Therefore the headset in Dowens is not a "telephone-to-user connector" as taught in claims 1 and 15 of the present application, which both teach "a telephone-to-user connector adapted to allow the user

of the stored conversation elements to hear both the conversation generated by the system and at least the second user." (emphasis supplied).

Nor does Dowens disclose "allowing a user to voice directly into the second electronic device when appropriate." As established above, the "human communications attendant" disclosed in Dowen is not a user, but rather, a "conversion unit."

Accordingly, claim 13 is not rendered obvious by Wolff in view of Dowens, because the two references together fail to disclose or suggest each element of claim 1 as amended. Claim 13 depends from claim 1, and thus claim 13 is not obvious over the cited art. Applicant respectfully requests reconsideration of the rejection.

III. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, August 17, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: August 17, 2006

By: 

Melissa L. Basch
Reg. No. 56,159

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Fax: (415) 362-2928
Customer No.: 23910